

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

NATHANIEL RAY HARRISON,

Civil No. 10-4335 (JRT/SER)

Petitioner,

v.

JOAN FABIAN,

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

Respondent.

The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Susan R. Nelson, dated December 15, 2010. Based upon the Report and Recommendation of the Magistrate Judge [Docket No. 9], and all of the files, records and proceedings herein, and no objections having been filed to said Report and Recommendation,

IT IS HEREBY ORDERED that:

1. Petitioner's application for a writ of habeas corpus, [Docket No. 1], is **DENIED**;
2. Petitioner's application for leave to proceed in forma pauperis, [Docket No. 4], is **DENIED**;
3. This action is summarily **DISMISSED WITHOUT PREJUDICE**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: February 1, 2011
at Minneapolis, Minnesota

s/ John R. Tunheim
JOHN R. TUNHEIM
United States District Judge